

RM 8855

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September 12, 1996

BY HAND DELIVERY

Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street, N.W., Room 222  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

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Re: RM-8856

Dear Mr. Caton:

Transmitted herewith on behalf of Salem Communications Corporation are an original and four copies of its Statement Supporting Petition for Rulemaking with regard to the Commission's Rule concerning public inspection files for broadcast stations (47 C.F.R. § 73.3526(a)).

Should any questions arise concerning this matter, please communicate with the undersigned.

Very truly yours,  
FLETCHER, HEALD & HILDRETH, P.L.C.

*Anne Goodwin Crump*

Anne Goodwin Crump  
Counsel for Salem Communications Corporation

Enclosures

0+4

BEFORE THE

# Federal Communications Commission

WASHINGTON, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

|                                 |   |         |
|---------------------------------|---|---------|
| In the Matter of                | ) | RM-8855 |
|                                 | ) | RM-8856 |
| Amendment of Section 73.3526(a) | ) | RM-8857 |
| Local Public Inspection File    | ) | RM-8858 |

Directed to: The Commission

## STATEMENT SUPPORTING PETITION FOR RULEMAKING

Salem Communications Corporation ("Salem"), by its attorneys and pursuant to the Commission's Public Notice, Report No. 2147, released August 13, 1996, hereby respectfully submits its Statement Supporting its Petition for Rulemaking, submitted March 15, 1995. Salem reaffirms its request for amendment of the Commission's rule regarding public inspection files for broadcast stations (47 C.F.R. § 73.3526(a)) to allow these files to be kept at a station's main studio, regardless of whether that studio is located within the city limits of the station's community of license. With respect thereto, the following is submitted:

1. Subsidiaries and affiliates of Salem are the licensees of numerous radio stations in communities throughout the United States. A number of these stations maintain public inspection files away from their main studio locations. In its experience, Salem has discovered that the Commission's rule requiring each licensee to maintain a public inspection file within the station's community of license, regardless of where the station's main studio may be located, does not serve the stated purpose of the rule and, in many instances, can be counterproductive. The location of a station's public file outside its main studio is not generally known to community

residents. Moreover, when the file is maintained off the licensee's premises, it is subject to either deliberate tampering or inadvertent loss of documents. In addition, a public file location within a community of license is not required to be particularly convenient or attractive, and, in the interest of controlling expenses, less convenient and less attractive locations within a community may often be selected. Thus, while maintenance of a separate public file is expensive for the licensee, that expense is not justified by increased benefit to the public.

2. Accordingly, Salem has proposed that broadcast stations also be allowed to maintain their local public inspection files at their main studios, within each station's city grade contour. Salem further proposed that special rule provisions be adopted for the benefit of residents of the community of license who might wish to view the public inspection file but who would be unwilling or unable to come to the main studio on their own. These accommodations could include: (1) providing free transportation from the interested resident's home to the main studio upon request; (2) within 24 hours of receiving a request, delivering the public inspection file to a specified public location at an appointed time and permitting a reasonable amount of time for review; or (3) providing by mail a copy of specifically identified documents upon telephone request. These options would better serve the purpose of the public inspection file rule without creating the burdens, risks, and expenses associated with maintaining a public inspection file outside the main studio.

3. Furthermore, the benefit of a public file location within the community of license is one which is rarely used by the public. During the three years preceding the filing of Salem's Petition for Rule Making, for the 12 Salem stations which then had main studios outside the

community of license, members of the public have viewed the public inspection files located in the communities of license a combined total of two times.

4. Salem has proposed that the accommodations be an option open to licensees with main studios located outside the community of license, but would not propose to make location of the public file at the main studio mandatory. Thus, licensees who might have an auxiliary studio, sales office, or other well-established location within the community of license might choose to maintain their public inspection files at those locations rather than to change to the main studio. Those licensees thus could elect to operate in a manner which would comply with the Commission's current public file rule but would also have an additional option open to them.

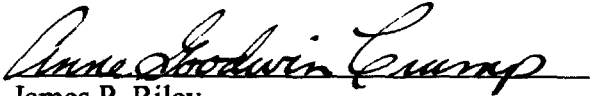
#### CONCLUSION

In sum, the Commission's current requirement that all licensees maintain a local public inspection file in the community of license imposes significant burdens on licensees and in many cases inconveniences members of the public without providing counterbalancing benefits in terms of accessibility. Therefore, the Commission should initiate, by Notice of Proposed Rule Making, a proceeding looking toward amending its public file rule to require that a licensee must maintain a local public inspection file either at an accessible location in its community of license or at its main studio within its station's city grade contour. If the licensee's main studio is outside of its community of license, and it elects to maintain its public inspection file there, it would be required to: (1) provide free transportation to the main studio for residents of the

community of license, (2) deliver the file to a specified public location within the community of license at an appointed time, or (3) provide copies of specifically identified documents by mail.

Respectfully submitted,

SALEM COMMUNICATIONS CORPORATION

By:   
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Its Attorneys

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September 12, 1996

## **CERTIFICATE OF SERVICE**

I, Barbara Lyle, a secretary in the law firm of Fletcher, Heald & Hildreth, P.L.C., do hereby certify that a copy of the foregoing "Statement Supporting Petition For Rulemaking" was hand-delivered this 12th day of September, 1996, to:

Chairman Reed E. Hundt  
Federal Communications Commission  
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Washington, D.C. 20554

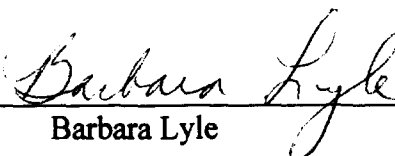
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